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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,536	12/23/2003	Makoto Harigae	016907-1590	6363

22428 7590 10/29/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
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WASHINGTON, DC 20007

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/743,536

Applicant(s)

HARIGAE, MAKOTO

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mae et al (Pub. No.: US 20020144005) in view of Iga (Pub. No.: US 20020143924)

**Regarding claim 1 and 10-11** Mae et al disclose: An image forming apparatus capable of receiving data from outside and executing data overwrite (note Fig. 1) comprising: a plurality of processing sections that include storage devices storing data associated with the respective sections of the image forming apparatus (note Fig. 2, page 7, paragraphs 0118-0123) and executes control based on the data stored in the storage devices (note Fig. 2, paragraphs 0119-0123) a storage section that stores basic data and overwrite data thereof (note Figs. 3 & 4, page 7, paragraphs 0124-0127) which is stored in the storage devices of the processing sections (note Fig. 2, page 7, paragraphs 0118-0123) a receiving section that receives overwrite data from the outside (note page 8, paragraph 0127) a first control section that executes a control to store the data received by the receiving section in the storage section (note Fig. 4, page 8 paragraph 0127) an overwrite section that overwrites the data in the storage device of the associated processing section (note page 10 paragraph 0179) using the data received by the receiving section (note Fig. 1, items 11 & 21, page 6, paragraph 0110-0111). However Mae et al does not clearly disclose: a confirming section that confirms whether the image forming apparatus operates with

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a combination of the data stored in the storage devices immediately after the overwrite section overwrites the data or immediately after power to the apparatus is turned on and a second control section that executes, when the confirming section confirms that the image forming apparatus fails to operate, a control to overwrite the data in the storage devices on the basis of the basic data and overwrite data stored in the storage section, thereby to realize a latest, optimal combination of data. On the other hand Iga discloses: a confirming section that confirms whether the image forming apparatus operates with a combination of the data stored in the storage devices immediately after the overwrite section overwrites the data or immediately after power to the apparatus is turned on (note Fig.13, item 142, page 5&6, paragraph 0050) and a second control section that executes, when the confirming section confirms that the image forming apparatus fails to operate, a control to overwrite the data in the storage devices on the basis of the basic data and overwrite data stored in the storage section, thereby to realize a latest optimal combination of data (note again Fig.13 item 142, pages 5&6, paragraphs 0050-0052). Thus modifying Mae method of image forming apparatus/processing according to Iga would be able to "configured to form an email through the connection section". This would improve processing because according to Iga this would enable the operator to be able to acquire the requested information of the printer without going to the client office (page 1, column 2, paragraph 0007) thus the operator can easily perform a version-update operation of the firmware of the printer (page 1, column 2, paragraph 0009) and have a complete/correct control instruction in processing filter printer operations and updating operation utilizing electronic mail (page 1, column 2, paragraph 0010). Therefore, this would have been obvious to one of the ordinary skill in the art to modify Mae according to Iga.

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**Regarding claim 2** Mae et al disclose: The image forming apparatus according to claim 1, wherein said plurality of processing sections are a system processing section, a scan processing section, a print processing section and an option processing section (note Fig.2 page 7, paragraph 0118-0123).

**Regarding claim 3** Mae et al discloses: The image forming apparatus according to claim 1, wherein the storage section is a hard disk drive that is provided with a table storing the basic data and overwrite data (note page 10, paragraphs 0171-0172).

**Regarding claim 4** Mae et al discloses: The image forming apparatus according to claim 1, wherein the storage device is a non-volatile memory that contains prestored basic data or stores overwritten data (note Fig.2, items 132&142 the flash memories).

**Regarding claim 7** Mae et al disclose: The image forming apparatus according to claim 1, wherein the overwrite section is a system processing section that executes a control of the entirety of the image forming apparatus (note Fig.12, page 11, paragraph 0181-0186).

**Regarding claim 8** Iga discloses: The image forming apparatus according to claim 1, wherein the confirming section confirms whether the image forming apparatus operates with a combination of the data stored in the storage devices, which controls the respective sections of the image forming apparatus (note Fig.13, item 142, page 5, paragraph 0050).

**Regarding claim 9** Iga discloses: The image forming apparatus according to claim 1, wherein the confirming section confirms whether an option device, which is added to the image forming apparatus, operates (note Fig.13, item 142, page 5, paragraph 0050).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mae et al (Pub. No.: US 20020144005) in view of Iga (Pub. No.: US 20020143924) and further in view of Parry (Pub. No.: US 20030086122).

**Regarding claim 5** Neither Mae et al nor Iga disclose: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet. On the other hand Parry discloses: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet (note page 4, paragraph 0039-0041). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mae et al and Iga's inventions of updating image forming apparatus/processing according to Parry, where Parry would be able to "configured the exclusive command, which in this case would be the reference or an address of the link or location on the remote or local network to an email attachment to acquire the needed firmware to be downloaded (note page 1, paragraph 0007, lines 14-19) and then again (note page 1 paragraph 0008) This would improve processing because according to Parry this would enable the system to be able to acquire the requested firmware of the printer with enabling the system to acquire the needed firmware though the network connection and needed references or addresses from the local or remote locations in the network (note page 1, paragraph 0007, lines 14-19).

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**Regarding claim 6** Parry discloses: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet, and also acquires data such as version information indicative of a combination of data from the Web site (note page 4, paragraph 0040).

**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saeid Ebrahimi  
Patent Examiner  
Group Art Unit 2625  
October 23, 2007

